DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0407-25**	**Applicant:**	**Kings Civils**
Proposal:	Proposed Detached Garage		
Location:	Land South Of Tudor Lodge Fen Road Holbeach		
Terminal Date:	8th July 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a detached residential garage building on land to the south of Plot 9, which comprises an area with planning permission for a dwelling under permission H09-0950-22. The building is proposed to feature a gable end roof form, measuring 6m up to the roof ridgeline.

The proposed development seeks to expand the garden area and driveway of Plot 9 to the south of the previously approved curtilage of the site under permission H09-0950-22. The proposal therefore also requires consent for a change of use. Although this is not referred to in the description of development, the change of use of the land has also been considered as this is clearly shown within the submitted site plan (TL-SH-GH-AR-001 P01).

Site Description

The application site comprises land to the south of Tudor Lodge, Fen Road, Holbeach. Tudor Lodge comprises a substantial, extended inter-war dwelling set in extensive grounds, on the western side of Fen Road, within the settlement boundary of Holbeach. The site comprises a vacant parcel of land which is largely screened from view to the south and east by existing trees and hedgerows.

The site is located outside the defined settlement limit of Holbeach, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 2019) and the accompanying policies map. The settlement boundary for Holbeach is however to the north of the site.

The site is within Flood Zone 2, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

Within the Site:

H09-0950-22: (Full Application) Residential Development - 9 dwellings - approved 31 January 2023

H09-0327-23: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 12 of H09- 0950-22) - approved 19 April 2023

H09-0468-25: (Discharge of Conditions) Details of external materials, hard surfaced areas, surface water disposal, private refuse/recycling collection, management of private drive and adjacent open space/landscaping, landscaping/tree planting and proposed boundary treatments (Conditions 3, 4, 8, 9 and 10 of H09-0950-22) - not yet determined

Land to the North-West:

H09-0980-21: (Full Application) Land North of Tudor Lodge. Residential development comprising 5 detached dwellings off a private drive - approved 03-05-22

H09-1260-21: (Prior Notification) Land at Tudor Lodge Fen Road. Change of use of agricultural building to dwelling - approved 12-01-2022

Land to the West:

H09-0813-24: (Outline Application) Residential Development - refused 29 November 2025 - appeal lodged

Land to the South and West of the Site:

H09-1070-12: (Full Application) Proposed house, garage and cattle shed - refused 12 February 2014 - appeal dismissed 15 September 2014

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: Having screened the application, whilst the site in question lies within the Internal Drainage District of the South holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: The proposal is for a detached garage. The site is at risk from surface water flooding. The proposed garage is well away from the highway. The proposal will not have an adverse impact on the public highway.

Environmental Protection: No comments.

Ecology Officer: No response received.

Holbeach Parish Council: No response received.

Cllr S E Hutchinson: No response received.

Cllr T Carter: No response received.

Cllr N J Chapman: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Visual and Amenity Impact;

-Highway Safety and Parking; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement limits and is therefore within the countryside in planning policy terms. The settlement boundary is located to the north of the site, around the assumed curtilage of Tudor Lodge.

Planning permission has been granted for nine dwellings within the site under permission H09-0950-22 on 31 January 2023. This included plot 9 which is located to the south of the access road, whereas the other dwellings are proposed to be located to the north of the access road and to the west of Tudor Lodge. Plot 9 was described as a "Gatehouse" design, and it was proposed to be positioned close to the access road. The site therefore has permission for a dwelling, as part of the wider site that was granted consent under permission H09-0950-22.

It is unclear if permission H09-0590-22 has been implemented lawfully as only condition 12 has been discharged. Conditions 17 and 18 of permission H09-0590-22 are pre-commencement conditions and these conditions have not been discharged. Works have started on site and plots 1 to 8 have largely been constructed. No construction work appears to have taken place for plot 9. Permission H09-0590-22 therefore appears to have been unlawfully implemented and a new full planning application might be required to apply for planning permission for the site.

The current application site is smaller than the application site that was approved under permission H09-0950-22. The current site relates to an area to the south of plot 9 and excludes the plot 9 dwelling itself and the area covering plots 1 to 8. There were no conditions within permission H09-0950-22 which restricted permitted development rights for outbuildings. Plot 9 could therefore potentially benefit from permitted development rights in future and a garage building could therefore potentially be constructed using such rights. There is potentially room for such a garage building within the curtilage of the dwelling as approved under permission H09-0950-22.

The current application seeks to expand the residential curtilage of plot 9, encroaching further into the countryside policy area. The proposed development would therefore result in a change of use of the land to a garden. Under permission H09-0950-22, the curtilage of the dwelling was located approximately 4m to the south of the dwelling. Under the current proposals, the curtilage would expand to an area approximately 10m to the south of the dwelling. The curtilage of the plot would therefore expand by approximately 180sqm.

Policy 1 sets out that within the countryside, development will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. In this case, the proposed garage and expansion of the garden area would only result in additional external amenity space for plot 9. No community benefits would be provided from the development. There is not considered to be a justified need for an extended garden as the approved garden space is considered to provide ample outdoor amenity space for future occupants. A garage building could instead be constructed within the curtilage of the approved plot 9 dwelling. Therefore, it is considered that the development would not be necessary, as required by Policy 1 of the Local Plan. It has also not been demonstrated that the development would meet the sustainable development needs of the area in terms of economic, community or environmental benefits, which is also a requirement of Policy 1.

Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 also states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed garage would measure approximately 6m by 6.3m. The garage building is proposed to feature a gable end roof form and measure 6m up to the ridgeline, and 3.2m up to the eaves. The building is proposed to feature three evenly spaced rooflights on the front roof slope, and a large roller shutter door on the front elevation. A door is proposed on the northern side elevation. No other windows or doors are proposed.

The approved plot 9 dwelling measures 7.2m up to its ridgeline and approximately 4.2m up to its eaves. The garage building is proposed to measure 6m up to its ridgeline and approximately 3.2m up to its ridgeline. The garage would not be as tall as the main dwelling, however, the building is considered to be relatively large for a garage and it would be 2m taller than permitted development rights would allow for.

The garage building is proposed to be located towards the rear of the dwelling, which would help to reduce the visual impact of the building. There is also natural screening of the site along Fen Road as there are trees and hedgerows and as such, the building would not be highly prominent within the street scene. Notwithstanding this, as set out within the previous section there is considered to be insufficient justification for the garage within the countryside policy area and insufficient justification to expand the curtilage of the site by increasing the driveway and garden area. The scale of the garage is therefore considered to be unjustified in this case.

The proposed materials are not indicated on the submitted plans, however, the materials are set out within the application form. The proposal seeks to install Clipsham Bidwell Cream Walling Stone for the facades, natural slate roof tiles. The proposed materials for the main dwelling have not yet been approved, however, an application to discharge condition 3 of permission H09-0950-22 has been submitted. Condition 3 requires details of the external materials for plot 9 to be submitted and agreed. The proposed materials for the dwelling match with the materials for the garage. The materials are considered to be appropriate.

The visual impact of the proposed development is therefore acceptable. The proposed development would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel

modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Lincolnshire County Council's highways team have not raised any concerns with the proposals from the highway safety perspective. The proposed garage building would provide covered parking spaces for occupants of plot 9. There is ample room for parking and turning within the site and the garage building would not impact the nearest public highway. The highways team have requested an informative which would require the submission of a Flood Risk Assessment. This informative is not considered to be necessary as the application is accompanied by a Flood Risk Assessment.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal would result in the change of use of land within the countryside policy area to provide for an expanded garden and driveway for plot 9, and for a residential garage building. There is not

considered to be sufficient justification for the proposed garage within the countryside policy area. For example, the development would not result in economic, community or environmental benefits to justify a departure from Policy 1 of the Local Plan. There is not considered to be a justified need for an extended garden as the approved garden space is considered to provide ample outdoor amenity space for future occupants. The garage building is also considered to be excessively large compared with the approved dwelling. The proposed development would therefore be contrary to Policy 1 and in this instance, there are insufficient material considerations to justify a departure from the Local Plan. The planning balance is therefore against the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be contrary to Policy 1 of the Local Plan. There are no significant factors in this case that indicate in favour the proposal and outweigh the harm that would result from departing from the Local Plan, including the settlement hierarchy.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused

under delegated authority.